

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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**FILE:**

B-218218

**DATE:** March 4, 1985

**MATTER OF:**

Olympic Mills Corporation

**DIGEST:**

Contracting agency properly rejected protester's late bid notwithstanding mailing of bid by U.S. Postal Service express mail, which guaranteed timely delivery, since standard solicitation clause states that late bids will not be considered unless they have been sent by registered or certified mail not later than the fifth day before bid opening. In this context, express mail is not the equivalent of registered or certified mail.

Olympic Mills Corporation protests the Defense Logistics Agency's rejection of its late bid in response to invitation for bids No. 100-85-B-0257, issued by the Defense Personnel Support Center, Philadelphia, Pennsylvania. We dismiss the protest.

DLA rejected Olympic's bid because it was not received by the time set for bid opening, 2 p.m. on February 12, 1985. Olympic states that it sent its bid by express mail on February 8 at 4:50 p.m., and that although the U.S. Postal Service guaranteed next-day delivery, Olympic's bid was not delivered until 11 p.m. on February 13. Olympic does not dispute the fact that its bid was late but argues that since it was a federal agency, the U.S. Postal Service, that guaranteed next-day delivery and failed, Olympic's bid should be considered.

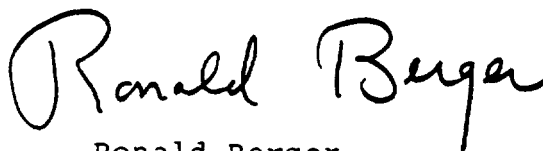
It is our view that Olympic's bid was properly rejected by the contracting officer, since it was not received at the designated office before bid opening. The standard late bid clause in government solicitations permits consideration of late bids sent by mail if it is determined that the late receipt was due solely to

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mishandling by the government after receipt at the government installation or if the bid was sent by registered or certified mail not later than the fifth calendar day before the date set for bid opening. The fact that the U.S. Postal Service guaranteed overnight delivery of express mail did not relieve Olympic of its obligation to ensure timely arrival of its bid, Graphic Controls Corp., B-194698, May 23, 1979, 79-1 CPD ¶ 373, since express mail is not considered the equivalent of registered or certified mail in this context. Davis & Vogl Accountancy Corp., B-211673, May 19, 1983, 83-1 CPD ¶ 539.

Olympic's protest does not state a valid basis for protest. Therefore, pursuant to section 21.3(f) of our Bid Protest Regulations 49 Fed. Reg. 49417, 49421 (1984) (to be codified at 4 C.F.R. § 21.3(f)), the protest is dismissed.



Ronald Berger  
Deputy Associate  
General Counsel